

EXHIBIT 1  
May 1, 2023 Email

**Jesse Salen**

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**From:** Jesse Salen  
**Sent:** Monday, May 1, 2023 12:32 PM  
**To:** 'kapaloski.tammy@dorsey.com'; patrick@mcgillco.com; Martin Bader; ebutler@parsonsbehle.com; NThomas@parsonsbehle.com  
**Cc:** foster.brett@dorsey.com  
**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

Tammy and Brett,

Thank you for your time on the call today.

[REDACTED]

We also discussed generally our position on Blendtec's subpoena to Mr. McGill and indicated that we are standing by the objections as stated in the response we served last week. That being said, on the call you explained that the reason for the subpoena to Mr. McGill was to discover information based on your perceived concerns about Mr. McGill's access to Blendtec AEO information in view of his relationship with BlendJet. As we explained, Mr. McGill was never an employee, officer, or decision maker for BlendJet, and was not involved in BlendJet's decision to use the BLENDJET Mark or the BlendJet Swirl Design Mark. [REDACTED]

[REDACTED]

To further clarify, Mr. McGill contracted to provide legal services for BlendJet for just a few months in 2019, prior to being employed by Sheppard Mullin and almost three years prior to the filing of this lawsuit. Since then he has represented dozens of clients as outside counsel, and continues to represent clients other than BlendJet through his law firm. Mr. McGill has fully complied with the protective order, and there is no reason that he cannot continue to adhere to his obligations thereunder. If you disagree, please send us the legal authority that supports your position.

You also indicated that you believe BlendJet and/or Mr. McGill "concealed" his relationship with BlendJet. To be clear, nothing has been concealed. We reviewed the discovery propounded on BlendJet and still cannot find a request to which Mr. McGill should have been identified for the reasons discussed above. To help us further address your concerns and clear up any issue, can you please identify any documents in addition to JET14130 that you contend raise concerns as to Mr. McGill's ability to view confidential information? We will then consider that information and work with you in good faith to alleviate your concerns.

Regards,

**Jesse A. Salen** | Partner  
+1 858-720-8964 | direct  
[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com) | [Bio](#)

**SheppardMullin**

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**From:** kapaloski.tammy@dorsey.com <kapaloski.tammy@dorsey.com>

**Sent:** Friday, April 28, 2023 10:22 AM

**To:** Jesse Salen <JSalen@sheppardmullin.com>; patrick@mcgillco.com; Martin Bader <MBader@sheppardmullin.com>; ebutler@parsonsbehle.com; NThomas@parsonsbehle.com

**Cc:** foster.brett@dorsey.com

**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

Jesse: Does 11:30am MST on Monday May 1 work for you?

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**From:** Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>

**Sent:** Thursday, April 27, 2023 5:14 PM

**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>; [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)

**Cc:** Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>

**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Tammy,

We are generally available on Monday morning or Tuesday afternoon.

Thanks,

Jesse

**Jesse A. Salen** | Partner  
+1 858-720-8964 | direct  
[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com) | [Bio](#)

## SheppardMullin

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**From:** [kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com) <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>

**Sent:** Thursday, April 27, 2023 2:52 PM

**To:** Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>; [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)

**Cc:** [foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)

**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

Jesse,

I spoke too soon – we are not available to meet and confer tomorrow. Do you have availability on Monday or Tuesday of next week?

Thank you,  
Tammy

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**From:** Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>

**Sent:** Thursday, April 27, 2023 10:53 AM

**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>; [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)

**Cc:** Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>

**Subject:** RE: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Tammy,

We are available tomorrow afternoon after 1:30 pm PT. Please let us know what time works for you.

Regards,

**Jesse A. Salen** | Partner  
+1 858-720-8964 | direct  
[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com) | [Bio](#)

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**From:** [kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com) <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>

**Sent:** Thursday, April 27, 2023 8:37 AM

**To:** [patrick@mcgillco.com](mailto:patrick@mcgillco.com); Martin Bader <[MBader@sheppardmullin.com](mailto:MBader@sheppardmullin.com)>; Jesse Salen <[JSalen@sheppardmullin.com](mailto:JSalen@sheppardmullin.com)>; [ebutler@parsonsbehle.com](mailto:ebutler@parsonsbehle.com); [NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)

**Cc:** [foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)

**Subject:** FW: Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

Counsel,

Please let us know your availability tomorrow or on Monday to meet and confer on the attached.

Regards,

Tammy

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**From:** Kheng Sok <[KSok@sheppardmullin.com](mailto:KSok@sheppardmullin.com)>

**Sent:** Friday, April 21, 2023 4:29 PM

**To:** Kapaloski, Tammy <[kapaloski.tammy@dorsey.com](mailto:kapaloski.tammy@dorsey.com)>; Foster, Brett <[foster.brett@dorsey.com](mailto:foster.brett@dorsey.com)>; Stucki, Sherri <[stucki.sherri@dorsey.com](mailto:stucki.sherri@dorsey.com)>; Foster, Grant <[foster.grant@dorsey.com](mailto:foster.grant@dorsey.com)>

**Cc:** LegalTm-Blendjet-Blendtec <[LegalTm-Blendjet-Blendtec@sheppardmullin.com](mailto:LegalTm-Blendjet-Blendtec@sheppardmullin.com)>; Nathan Thomas <[NThomas@parsonsbehle.com](mailto:NThomas@parsonsbehle.com)>; Liz Butler <[LButler@parsonsbehle.com](mailto:LButler@parsonsbehle.com)>; Patrick McGill <[patrick@mcgillco.com](mailto:patrick@mcgillco.com)>

**Subject:** Blendtec v. BlendJet - Objs and Resps to Doc Subpoenas

EXTERNAL FROM OUTSIDE DORSEY. BE CAUTIOUS OF LINKS AND ATTACHMENTS.

Counsel,

Please see attached for service.

Regards,

**Kheng Sok** | Practice Specialist  
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